In re Appln. of NAKAI et al.
Application No. 09/845,361

REMARKS

In response to the Official Action dated July 20, 2004, Applicants request reconsideration. In this Response, no claims are added, canceled, or amended.

The Official Action rejected claims 1, 2, 4-12, 15, and 16 as unpatentable over Carlson et al. (US Patent 5,623,592, hereinafter Carlson) in view of Lehman et al. (US Patent 4,796,179, hereinafter Lehman). That rejection is respectfully traversed.

Regarding claims 1 and 15, the combination of Carlson and Lehman fails to teach or suggest a software module uniquely assigned to an object, *wherein the software module is automatically linked to the development means based on information stored on the object.* There is no logical connection between the development means taught by Carlson and the linking module described in Lehman. The Official Action does not clarify how Carlson may be modified with the teachings of Lehman to suggest the present invention. Nevertheless, Applicants note that neither reference teaches linking anything based on information stored on an object. The linking module of Lehman organizes software modules into subsystems, each subsystem having functional blocks with the same repetition rates and skew (see column 3, lines 24-29 of Lehman). The repetition rate and skew are not stored on these subsystems or functional blocks. Instead, they are stored in a reference map (see column 19, line 67 to column 20, line 7 of Lehman). Thus, it is clear that neither Carlson nor Lehman discloses linking modules to a development means **based on information stored on the object.** Because the combination fails to teach or suggest all of the limitations of claims 1 and 15, *prima facie* obviousness has not been established. Accordingly, the rejection of claims 1 and 15 is erroneous and should be withdrawn.

Regarding claim 2, the combination of Carlson and Lehman fails to teach or suggest the limitations of claim 1 where the *object includes at least one device from which said development means acquires a globally unique ID.* The Official Action contends that this limitation is taught by Lehman at column 19, line 61 to column 20, line 32. However, this contention is plainly erroneous for two readily apparent reasons. Primarily, Lehman does not disclose an object that is a device. The cited passage describes assigning a RateID to each subsystem. The subsystem is called a superblock, which is a data structure for organizing functional blocks. Superblocks are used to organize functional blocks based on computational parameters such as sampling rates and skew rates (see column 2, lines 42-68 and Figure 8 of Lehman). Clearly, a data structure such as a superblock cannot be construed as a device, as recited in claim 2, particularly within the scope of the present application. Moreover, the superblock is not an object to be controlled – it is an organizational data structure.

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Secondly, the RateID is not a globally unique ID that the development means acquires from the superblock. That is, the RateID is not unique because multiple superblocks may have the same RateID (see column 20, lines 5-7 of Lehman). The RateIDs are unique only to values of Sample Rate/Skew and Trigger conditions, neither of which are objects or devices (see column 19, lines 61-64 of Lehman). Also, the RateID is assigned to the superblock and stored in the superblock reference map (SBRM) (see column 19, line 67 to column 20, line 7 of Lehman). Thus the Official Action's argument that a globally unique ID is stored on the superblock or acquired from the superblock is wholly untenable. Clearly, neither Carlson nor Lehman discloses a device to be controlled and acquiring a globally unique ID from that device. Because the combination fails to teach or suggest all of the limitations of claim 2, *prima facie* obviousness has not been established. Accordingly, the rejection of claim 2 is erroneous and should be withdrawn.

The Official Action rejected claims 3 and 13 as unpatentable over Carlson in view of Lehman and further in view of Kodosky et al. (US Patent 6,173,438, hereinafter Kodosky). That rejection is respectfully traversed.

Kodosky fails to teach or suggest those limitations of amended claim 1 that are absent from the combination of Carlson and Lehman, as previously discussed. Accordingly, the combination of Carlson, Lehman, and Kodosky cannot teach or suggest claims 3 and 13, which inherit the limitations of amended claim 1.

Moreover, Applicants respectfully traversed this rejection in the Amendment of January 23, 2004, yet the Official Action of April 6, 2004, provided no rebuttal to Applicants' arguments regarding these claims. Applicants requested in the Response filed June 22, 2004, either a rebuttal or a withdrawal of the rejection. However, the present Official Action has again provided no answer the substance of Applicants' arguments with regard to Kodosky. "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it" (see MPEP 707.07(f)). The argument twice previously presented is repeated here yet again for the Examiner's convenience. In the event of an appeal, the Examiner will be required to answer the argument presented below. In order to expedite prosecution, the Examiner should either answer the Applicant's arguments, or else withdraw the rejection.

The Official Action erroneously contends that Kodosky teaches a development means acquiring the software modules from the object. Kodosky plainly states that the host system transfers software drivers to the embedded system (see column 13, lines 52-55 of Kodosky). Thus, the development means (host LabVIEW, see Abstract) clearly does not need to acquire the

software modules assigned to the embedded system from the embedded system, since the host LabVIEW transferred the software modules to the embedded system originally.

The Official Action rejected claim 14 as unpatentable over Carlson in view of Lehman and further in view of Kang (US Patent 6,279,049). That rejection is respectfully traversed.

Kang fails to teach or suggest those limitations of claim 1 that are absent from the combination of Carlson and Lehman, as previously discussed. Accordingly, the combination of Carlson, Lehman, and Kang cannot teach or suggest claim 14, which inherits the limitations of claim 1.

Reconsideration and allowance of claims 1-16 is earnestly solicited.

Respectfully submitted,

A. Wesley Ferrebee, Reg. No. 51,312
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

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